

Ethics Panel Finds Conflicts In Testimony on Korean Case

By Charles R. Babcock
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The Senate Ethics Committee has turped over to the Justice Department possible perjury cases stemming from cash payments that accused South Korean agent Tongsun Park said he made to three senators.

The committee's first official report of its investigation of alleged South Korean influence-buying points out conflicts between the sworn testimony of Park and aides to Sen. Birch Bayh (D-Ind.), the late senator Hubert H. Humphrey (D-Minn.) and former senator Jack Miller (R-Iowa).

Committee chairman Adlai E. Stevenson (D-Ill.) said at a press conference that since "all the statements were made under oath, that possibility [perjury] exists." But he also said the committee had made no recommendation to Justice prosecutors on how they should judge the different stories.

None of the senators is involved in the conflicting testimony because Park made the alleged payments through the aides. Without corroboration from an independent source or document it is difficult to turn such one-on-one conflicts into a perjury case, a knowledgeable Justice official said yesterday.

The committee's report yesterday reaches no conclusions about the conduct of the senators who accepted cash from Park. And the "interim status report" and an accompanying 857-page volume of executive session testimony add little about Park's activities in the Senate.

Victor Kramer, the committee's special counsel, did say that the late senator John L. McClellan (D-Ark.) acknowledged last fall, shortly before his death, that he had accepted \$1,000 in cash from Park in 1972. It was not reported as a campaign contribution as required by law, which Kramer termed an "admitted impropriety."

The conflicts in testimony arose in these instances:

- Park said that he gave from \$1,500 to \$1,800 in cash in the fall of 1974 to Jason Berman, Bayh's executive assistant. Berman denied it.
- Park testified that he gave \$5,000 in cash to John Morrison, a Humphrey campaign aide, in the spring of 1972 for the senator's presidential race. Morrison said he didn't believe he'd ever met Park and remembered no such donation.
- Park said he made a \$3,000 cash contribution to Miller's campaign in the fall of 1972 through aide Stan Browne. Browne testified that he received the funds but later sent them back because he thought it was illegal.

A committee investigator said later that Browne had supplied no receipt to prove he returned the money.

The Senate report also showed that Park paid \$3,800 for a June 1973 dinner at his George Town Club for Bayh. And it detailed Park's previously reported payments to the late senator Joseph M. Montoya (D-N.M.), Sens. Harry F. Byrd Jr. (Ind.-Va.) and Spark M. Matsunaga (D-Hawaii) and former senator Stuart Symington (D-Mo.).

Byrd, Symington and Matsunaga received \$500 checks from Park in 1970 and Matsunaga received and reported a \$1,000 cash donation from Park in 1972.

Montoya received a \$3,000 check from Park in 1970 and in 1973 Park sent a \$2,000 check to a cemetery fund in New Mexico in memory of Montoya's brother, who was killed in an accident.

Park testified that he told Montoya the \$2,000 memorial was from South Korean President Park Chung Hee. He consistently has denied ever being an agent for the South Korean government. But he said he did get reimbursed for the cemetery fund gift from "the president's office."

Stevenson and Kramer went out of their way yesterday to clear Sen. John G. Tower (R-Tex.) of any appearance of impropriety in his many social dealings with Park.

They did so, they said, because Tower was a member of the committee who had disqualified himself from taking part in the investigation.

Tower had acknowledged receiving gifts of jewelry from Park, but committee investigators had not appraised it, Kramer said. They took Tower's word that it was worth less than \$25, he said.

Stevenson and Sen. Harrison Schmitt (R-N.M.), the ranking minority member of the committee, said they were still interested in hearing from former Korean ambassador Kim Dong-woo, who also is sus-

pected of making cash payments to members of Congress. They would not require sworn testimony, they said.

Two Doctors Testify That Passman Is Ill, But Still Fit to Stand Trial

Associated Press

A cardiologist and a psychiatrist testified in federal court here yesterday that former representative Otto Passman has a brain disorder and that he has a little difficulty hearing but that he should be able to stand trial on charges growing out of the South Korean influence-buying scandal.

The hearing, which might last several days, was called by U.S. District Court Judge Barrington D. Parker to determine Passman's competency to stand trial on a seven-count indictment accusing him of conspiracy to defraud the United States, bribery and accepting an illegal gratuity.

The government charges that Passman took \$213,000 from Korean rice agent Tongsun Park for helping Park in his role as a broker.

During yesterday's hearing, Passman sat slumped at the defense table, his left hand cupped to his ear most of the time while he was following the testimony of Dr. John Russo, a specialist in cardiovascular diseases, and Dr. Leon Yochelson, a psychiatrist. Both had been appointed by the court.

"He is ill, but not too ill to stand trial under proper safeguards," Russo said. He identified Passman's medical problems as including "arteriosclerotic disease of the brain."

Yochelson, head of the psychiatry department of George Washington University here, diagnosed Passman as having "mild memory difficulty" and said the former congressman was worried about lawyers being tricky in examining him.

Parker asked whether Passman was in a position to confer with his attorneys in a rational and intelligent manner in their preparation of the case.

"I see no reason why he couldn't," the psychiatrist said. He cautioned that "the sensitivity" of the lawyers is something that will be important to Passman's understanding what is going on.

Hancho Kim's Tax-Evasion Trial Moved to Washington for Convenience

Associated Press

The tax-evasion trial of Hancho Kim, convicted of accepting \$600,000 from the Korean Central Intelligence Agency to buy influence on Capitol Hill, has been moved from U.S. District Court in Baltimore to Washington.

Judge James R. Miller signed orders transferring the case at the request of Kim's attorney, who said it would be more convenient if the trial were held in Washington.

Kim, a Korean-born cosmetics manufacturer from Lanham, Md., has been charged with evading income taxes during the period of time he was convicted of receiving funds to bribe congressmen.

David Povich, Kim's attorney, said most of the potential witnesses were from the Washington area. He also said some of the evidence introduced during the criminal trial would be used during the tax-evasion proceedings.

During 1974 and 1975, Kim reported income of about \$9,740 and \$15,556, respectively, prosecutors said. Kim is charged with receiving "substantially" more income than he reported.

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